

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

2/5/2007 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 05-00077DAE

CASE NAME: USA v. Gavin A.H. Kalai

ATTYS FOR PLA: Loretta Sheehan

ATTYS FOR DEFT: Jeffrey Arakaki

USPO: Roy Kawamoto

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JUDGE: David Alan Ezra

REPORTER: Cynthia Fazio

DATE: 2/5/2007

TIME: 1:30pm-1:40pm(m/d)  
1:40pm-2:15pm

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COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Indictment as to Defendant Gavin A.H. Kalai. Government's Motion for Downward Departure.

Defendant Gavin A.H. Kalai present in custody.

Government's Motion for Downward Departure-GRANTED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant Gavin A.H. Kalai.

SENTENCE:

Imprisonment: 36 MONTHS, as to each of Counts 1 and 2, with all such terms to run concurrently.

Supervised Release: 3 YEARS, as to each of Counts 1 and 2, with all such terms to run concurrently.

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.

4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervised release, as directed by the Probation Office.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall participate in a mental health program at the discretion and direction of the Probation Office.
9. Defendant shall execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
10. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
11. That the defendant not have any contact or association with friends and family members who are presently engaged or have a prior history of criminal activity.
12. That the defendant complete the General Education Development (GED) program.

Special Assessment: \$200.00.

JUDICIAL RECOMMENDATIONS: FDC Honolulu. Educational and Vocational training. Drug treatment. Mental health treatment.

Defendant advised of his right to appeal.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager